

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JEFFREY M. MULLER; *et al.*,

Plaintiffs,

v.

THE HON. PHILIP J. MAENZA, *et al.*,

Defendants.

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**No. 2:10-CV-6110 (WHW) (CCC)**

**DECLARATION OF  
FINLEY FENTON**

I, Finley Fenton, declare as follows:

1. I am a part-time Sheriff's Deputy with the Essex County Sheriff's Department. I have the power of arrest throughout the State of New Jersey. I am authorized to, and do, carry a handgun in the course of performing my duties as a Sheriff's Deputy.

2. I am concerned that suspects I have apprehended may attempt to injure me while I am off-duty.

3. It is my understanding that part-time police officers face the prospect of arrest if they carry handguns off-duty without a Permit to Carry. While I understand the Law Enforcement Officers Safety Act of 2003 allows me to carry a handgun, I also understand that the State of New Jersey asserts that this law protects only full-time police officers.

4. I would carry an operable handgun in public for self-defense, but I refrain from doing so because I fear arrest, prosecution, fine, and imprisonment because I do not hold a Permit to Carry issued pursuant to N.J.S.A. § 2C:58-4.

5. I applied for a Permit to Carry from the New Jersey State Police pursuant to N.J.S.A. § 2C:58-4 on March 31, 2010. A copy of my application is attached as Exhibit 1.

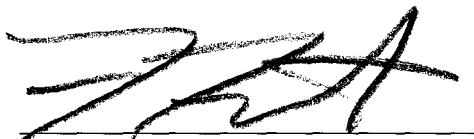
6. Defendant Col. Fuentes of the New Jersey State Police denied my application on August 30, 2010 on the ground of lack of “justifiable need.” A copy of the denial letter is attached as Exhibit 2.

7. I sought a hearing before the Superior Court. Defendant Judge Jerejian denied my application for a Permit on November 12, 2010 on the ground that I did not have “justifiable need.” A copy of the denial letter I received is attached as Exhibit 3. I never received any other formal opinion or order.

8. I met all of the requirements for issuance of a Permit to Carry, except I was found to lack “justifiable need to carry a handgun.”

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: December 19, 2010



Finley Fenton